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10 Attorneys for Defendant  
TOSHIBA AMERICA INFORMATION SYSTEMS, INC.

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION  
15

16 MICHAEL SIMON, individually, and on behalf  
of all others similarly situated,

17 Plaintiffs,

18 v.

19 TOSHIBA AMERICA, INC., a Delaware  
20 corporation, and TOSHIBA AMERICA  
INFORMATION SYSTEMS, INC., a California  
21 corporation,

22 Defendants.

Case No. C07-06202 EMC

**JOINT STIPULATION TO  
CONTINUE LITIGATION  
DEADLINES; [PROPOSED]  
ORDER THEREON**

Honorable Edward M. Chen  
Courtroom C

1 WHEREAS, plaintiff Michael Simon and defendant Toshiba America Information  
2 Systems, Inc. ("TAIS") are currently exploring the possibility of an early resolution of this  
3 matter;

4 WHEREAS, consistent with those efforts, the parties have conducted an in-person  
5 meeting and intend to continue those discussions over the next several weeks;

6 WHEREAS, the deadline for TAIS to file and serve its initial response to the First  
7 Amended Complaint is March 17, 2008;

8 WHEREAS, the Initial Case Management Conference is currently scheduled for March  
9 12, 2008, at 1:30 p.m., in Courtroom C of the above-referenced Court;

10 WHEREAS, given and to facilitate the parties' settlement efforts, the parties desire to  
11 briefly stay the litigation activity in this case and further continue TAIS's deadline to respond  
12 to the Complaint for approximately forty-five (45) days;

13 WHEREAS, if the parties are able to make progress towards reaching an early  
14 resolution of this action, they may seek to further extend the litigation deadlines, subject to  
15 Court approval,

16 NOW, THEREFORE, IN LIGHT OF THE FOREGOING, IT IS HEREBY  
17 STIPULATED AND AGREED by and between plaintiff, on the one hand, and TAIS, on the  
18 other hand, by and through their respective undersigned counsel, as follows:

19 1. The deadline for TAIS to file and serve its initial response to the First Amended  
20 Complaint shall be extended to and including May 1, 2008;

21 2. The date on which the Court will hold the Initial Case Management Conference  
22 shall be continued to May 7, 2008, at 1:30 p.m., subject to the Court's availability;

23 3. All other litigation deadlines will be continued accordingly pursuant to the Court's  
24 "Order Setting Initial Case Management Conference and ADR Deadlines," Federal Rule of Civil  
25 Procedure 26(f), and Local Rules 3-5, 16-8, 16-9, and 16-10;

26 4. This Stipulation may be executed in counterparts, each of which shall be deemed  
27 an original, but both of which, when taken together, shall constitute one and the same instrument.  
28

1 Executed signature pages of this Stipulation transmitted by facsimile shall be accepted by the  
2 parties hereto and the Court as though they were original signature pages.

3  
4 Dated: February 18, 2008

DEAN J. ZIPSER  
ANNETTE P. CARNEGIE  
ADINA L. WITZLING  
MORRISON & FOERSTER LLP

6  
7 By: 

Dean J. Zipser

8 Attorneys for defendant  
9 Toshiba America Information  
10 Systems, Inc.

11 Dated: February 18, 2008

12 STUART C. TALLEY  
KERSHAW, CUTTER & RATINOFF LLP

13 MARK J. TAMBLYN  
WEXLER TORISEVA WALLACE LLP

14  
15 By: 

Stuart C. Talley

16 Attorneys for Plaintiff  
17 Michael Simon  
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**ORDER**

Based on the foregoing stipulation of the parties and good cause appearing therefor:

1. The deadline for TAIS to file and serve its initial response to the Complaint shall be extended to and including May 1, 2008;

2. The Scheduling Conference shall be continued to May 8, 2008, at 1:30 p.m. in Courtroom C; and

3. All other litigation deadlines will be continued accordingly pursuant to the Court's "Order Setting Initial Case Management Conference and ADR Deadlines," Federal Rule of Civil Procedure 26(f), and Local Rules 3-5, 16-8, 16-9, and 16-10;

IT IS SO ORDERED.

Dated: \_\_\_\_\_, 2008

By \_\_\_\_\_  
Honorable Edward M. Chen